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EXAMINER

KEEHN, RICHARD G

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/705,909 | Applicant(s) MORETON ET AL. | |
| | Examiner Richard G. Keehn | Art Unit 2456 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 28 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 41-78 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 41-78 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 41-78 have been examined and are pending.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/28/2009 has been entered.

Response to Arguments

2. Applicant's arguments filed 1/28/2009 with respect to the argument that the cited prior art references do not disclose the claim language "when there is an indication of multiple support configurations" have been fully considered but they are not persuasive. Moroz in ¶ [0045] discloses the system requesting configuration information from a first I/O port, and if it detects more than one I/O port exists, will continue with requests until all configuration information is received. Applicant argues that the detection of another I/O port is not "an indication of multiple support configurations." Examiner respectfully disagrees. Indication of additional communication ports is also an indication of multiple communication configurations that naturally support communication. Applicant's specification recites "[C]onventionally, USB devices are provided with a configuration

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protocol designed to enable connectivity with computer systems or other devices running one or more operating systems” which is also an indication of multiple communication configurations that naturally support communication. Therefore, Applicant’s arguments are unpersuasive. Examiner recommends limiting the definition of the term “support configuration” in the independent claim language.

3. Applicant's arguments filed 1/28/2009 with respect to the argument that the cited prior art references do not disclose the amended claim language "wherein in response to a determination that at least one of the descriptors indicates multiple supported configurations, a second descriptor request is issued" have been fully considered but they are not persuasive. Moroz et al. in ¶ [0045] disclose the system requesting configuration information from a first I/O port, and if it detects more than one I/O port exists, will continue with requests until all configuration information is received. Applicant argues that the detection of another I/O port is not “an indication of multiple support configurations.” Examiner respectfully disagrees. Indication of additional communication ports is also an indication of multiple communication configurations that naturally support communication. Applicant's specification recites "[C]onventionally, USB devices are provided with a configuration protocol designed to enable connectivity with computer systems or other devices running one or more operating systems” which is also an indication of multiple communication configurations that naturally support communication. Moroz et al. also disclose the second and subsequent requests, therefore Moroz et al. disclose the amended claim language - ¶ [0045]. Therefore, Applicant’s arguments are unpersuasive.

Claim Objections

- 4.** Claims 46, 57, 68 and 74 are objected to because of the following informalities:

As to Claims 46, 57, 68 and 74, the extra word “that” exists.

As to Claim 68, the extra word “a” exists.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

- 5.** The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

- 6.** Claims 41-45, 52-56 and 63-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Non-Patent Literature from Microsoft entitled “USB Remote NDIS Devices and Windows” (Microsoft), and further in view of Non-Patent Literature from Brownell and Machek on USB Host to Host Links (Brownell et al.) and US 2001/0042150 A1 (Moroz et al.).

As to Claims 41, 52 and 63 Microsoft discloses an invention substantially as claimed, including a method, apparatus and system for coupling a universal serial bus network adapter supporting both a remote network drive interface specification and a non-network drive interface specification, the method performed by a network adapter, the method, comprising:

receiving a first request from a host, the host coupled to a device (Microsoft, Page 2 discloses the REMOTE_NDIS_QUERY_MSG sent by a host to a network adapter to request information);

returning a remote network drive interface specification configuration from the network adapter (Microsoft, Page 2 discloses the REMOTE_NDIS_QUERY_CMPLT response from the adapter to the host); and

returning a [...] network drive interface specification configuration [...] (Microsoft, Page 2 discloses the REMOTE_NDIS_QUERY_CMPLT response from the adapter to the host).

Microsoft does not disclose, but Brownell et al. disclose an invention substantially as claimed, including

providing a plurality of universal serial bus configurations to a universal serial bus network (Brownell et al. – Pages 6 and 8 disclose the use of CDC Ethernet and NDIS drivers); and

non-remote (Brownell et al. – Pages 6 and 8 disclose the use of CDC Ethernet and NDIS drivers).

Microsoft does not disclose, but Moroz et al. disclose an invention substantially as claimed, including

receiving a second request from the host, in response to receiving an indication of multiple support configurations (Moroz et al. – Page 4, ¶ [0045] discloses the system requesting configuration information from a first I/O port, and if it detects more than one

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I/O port exists, will continue with requests until all configuration information is retrieved);
and

where the host is configured to parse the received configuration to determine the configuration supported by the device and where the host is configured to select a configuration that matches a client driver (Moroz et al. – Figure 4 discloses the parsing of the received configuration in item 409 and selecting configuration in item 427).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine providing two universal serial bus configurations to a universal serial bus network, namely NDIS and CDC-Ethernet taught by Brownell, with the method of receiving by a network adapter a first request from a host, returning a remote network drive interface specification configuration from the network adapter, and returning a non-remote network drive interface specification configuration from the network adapter taught by Microsoft.

One of ordinary skill in the art at the time the invention was made would have been motivated to, and did, provide to the market a flexible usb network adapter to accommodate IBM PC and non-IBM PC remote networking platforms (e.g. Apple or PDA) (Brownell – Pages 6 and 8 demonstrate obviousness and motivation by actually combining NDIS and CDC-Ethernet in the same driver package).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine receiving a second request from the host, in response to receiving an indication of multiple support configurations and where the host is configured to parse the received configuration to determine the configuration supported

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by the device and where the host is configured to select a configuration that matches a client driver taught by Moroz et al., with providing to the market a flexible usb network adapter to accommodate IBM PC and non-IBM PC remote networking platforms taught by the combination of Microsoft and Brownell et al.

One of ordinary skill in the art at the time the invention was made would have been motivated to continue to try all known configurations until the list of known configurations is exhausted in order to provide universal docking to the user (Moroz et al. - ¶¶ [0006] and [0045]).

As to Claim 42, the combination of Microsoft, Brownell et al. and Moroz et al. discloses an invention substantially as claimed, including the method of claim 41, wherein the client driver is a remote network drive interface specification (RNDIS) (Microsoft – Page 2 discloses a driver capable of RNDIS).

As to Claim 43, the combination of Microsoft, Brownell et al. and Moroz et al. discloses an invention substantially as claimed, including the method of claim 41, wherein the client driver is a communications data class Ethernet (CDC-Ethernet) (Brownell et al. – Page 6 discloses the use of CDC Ethernet driver).

The motivation and obviousness arguments are the same as in Claim 41.

As to Claim 44, the combination of Microsoft, Brownell et al. and Moroz et al. discloses an invention substantially as claimed, including the method of claim 41,

wherein the network adapter determines whether any sub-system that corresponds to any configuration is currently active (Moroz et al. – Figure 4 discloses the comparison of inserted card configurations to known configurations).

The motivation and obviousness arguments are the same as in Claim 41.

As to Claim 45, the combination of Microsoft, Brownell et al. and Moroz et al. discloses an invention substantially as claimed, including the method of claim 41,

wherein the network adapter determines whether the active configuration matches the currently active sub-system, the method further comprising issuing a command to disable the sub-system when there is no match, and issuing a command to activate a new sub-system corresponding to the new configuration selected by the host (Moroz et al. – Figure 4 discloses determining whether the active configuration matches a currently active sub-system in item 405, disabling if there is no match in item 407, and activating if there is a match in item 427).

The motivation and obviousness arguments are the same as in Claim 41.

As to Claim 53, the combination of Microsoft, Brownell et al. and Moroz et al. discloses an invention substantially as claimed, including the apparatus of claim 52,

wherein the client driver is a remote network drive interface specification (RNDIS) (Microsoft – Page 2 discloses a driver capable of RNDIS).

As to Claim 54, the combination of Microsoft, Brownell et al. and Moroz et al. discloses an invention substantially as claimed, including the apparatus of claim 52, wherein the client driver is a communications data class Ethernet (CDC-Ethernet) (Brownell et al. – Page 6 discloses the use of CDC Ethernet driver).

The motivation and obviousness arguments are the same as in Claim 41.

As to Claim 55, the combination of Microsoft, Brownell et al. and Moroz et al. discloses an invention substantially as claimed, including the apparatus of claim 52, wherein the network adapter determines whether any sub-system corresponds to any configuration is active (Moroz et al. – Figure 4 discloses the comparison of inserted card configurations to known configurations).

The motivation and obviousness arguments are the same as in Claim 41.

As to Claim 56, the combination of Microsoft, Brownell et al. and Moroz et al. discloses an invention substantially as claimed, including the apparatus of claim 52, wherein the network adapter determines whether the active configuration matches the currently active sub-system, issues a command to disable the sub-system when there is no match, and issues a command to activate a new sub-system corresponding to the new configuration selected by the host (Moroz et al. – Figure 4 discloses determining whether the active configuration matches a currently active sub-

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system in item 405, disabling if there is no match in item 407, and activating if there is a match in item 427).

The motivation and obviousness arguments are the same as in Claim 41.

As to Claim 64, the combination of Microsoft, Brownell et al. and Moroz et al. discloses an invention substantially as claimed, including the system of claim 63,

wherein the client driver is a remote network drive interface specification (RNDIS) (Microsoft – Page 2 discloses a driver capable of RNDIS).

As to Claim 65, the combination of Microsoft, Brownell et al. and Moroz et al. discloses an invention substantially as claimed, including the system of claim 63,

wherein the client driver is a communications data class Ethernet (CDC-Ethernet) (Brownell et al. – Page 6 discloses the use of CDC Ethernet driver).

The motivation and obviousness arguments are the same as in Claim 41.

As to Claim 66, the combination of Microsoft, Brownell et al. and Moroz et al. discloses an invention substantially as claimed, including the system of claim 63,

wherein the network adapter determines whether any sub-system that corresponds to any configuration is active (Moroz et al. – Figure 4 discloses the comparison of inserted card configurations to known configurations).

The motivation and obviousness arguments are the same as in Claim 41.

As to Claim 67, the combination of Microsoft, Brownell et al. and Moroz et al. discloses an invention substantially as claimed, including the system of claim 63, wherein the network adapter determines whether the active configuration matches the currently active sub-system, the system further comprising a first issuing component configured to issue a command to disable the sub-system when there is no match, and a second issuing component configured to issue a command to activate a new sub-system corresponding to the new configuration selected by the host (Moroz et al. – Figure 4 discloses determining whether the active configuration matches a currently active sub-system in item 405, disabling if there is no match in item 407, and activating if there is a match in item 427).

The motivation and obviousness arguments are the same as in Claim 41.

7. Claims 46-51, 57- 62 and 68-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Non-Patent Literature from Microsoft entitled “USB Remote NDIS Devices and Windows” (Microsoft), and further in view of Non-Patent Literature from Brownell and Machek on USB Host to Host Links (Brownell et al.) and US 2001/0042150 A1 (Moroz et al.).

As to Claims 46 and 57, Microsoft discloses an invention substantially as claimed, including a method and apparatus, at a host, for coupling universal serial bus

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devices network adapter supporting both remote network drive interface specification and non-network drive interface specification, comprising the steps of:

detecting a network device, the network device operating on a first configuration (Microsoft – Page 2 discloses the REMOTE_NDIS_KEEPALIVE_MSG which is used to detect the network adapter);

issuing a universal serial bus reset to the network device (Microsoft – Page 2 discloses the REMOTE_NDIS_RESET_MSG which is used to reset the network adapter);

sending the reset to the network device for resetting the state of the network device (Microsoft – Page 2 discloses the REMOTE_NDIS_RESET_MSG which is used to reset the network adapter);

issuing a first descriptor request enabling the network device to communicate on the universal serial bus [...] (Microsoft – Page 2 discloses the REMOTE_NDIS_INITIALIZE_MSG used to enable the adapter);

issuing a command enabling a retrieval of device descriptors from the network device (Microsoft – Page 2 discloses the REMOTE_NDIS_QUERY_MSG used to query the adapter);

returning a device descriptor indicating a function of the network device (Microsoft – Page 2 discloses the REMOTE_NDIS_QUERY_CMPLT used to respond to the query); and

issuing configuration commands, whereby, the network device is configured to return a list of descriptors (Microsoft – Page 2 discloses the

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REMOTE_NDIS_INITIALIZE_CMPLT used to send a list of adapter buffering and alignment constraints from the network adapter to the host).

Microsoft does not explicitly disclose, but Brownell et al. disclose an invention substantially as claimed, including according to a second configuration (Brownell et al. – Pages 6 and 8 disclose the use of CDC Ethernet and NDIS drivers).

Microsoft does not explicitly disclose, but Moroz et al. et al. disclose wherein in response to a determination that that [sic] at least one of the descriptors indicates multiple supported configurations, a second descriptor request is issued (Moroz et al. in ¶ [0045] disclose the system requesting configuration information from a first I/O port, and if it detects more than one I/O port exists, will continue with requests until all configuration information is received).

The motivation and obviousness arguments are the same as in Claim 41.

As to Claim 47, the combination of Microsoft, Moroz et al. and Brownell et al. discloses an invention substantially as claimed, including the method of claim 46,

wherein the resetting of the state of the network device involves disabling one of a remote network drive interface specification (RNDIS) and a communications data class Ethernet (CDC-Ethernet) (Microsoft – Page 2 discloses REMOTE_NDIS_RESET_MSG command which resets the configuration RNDIS; Brownell et al. – Page 6 discloses CDC Ethernet).

The motivation and obviousness arguments are the same as in Claim 41.

As to Claim 48, the combination of Microsoft, Moroz et al. and Brownell et al. discloses an invention substantially as claimed, including the method of claim 46, wherein the list of descriptors for the configuration commands is for a remote network drive interface specification (RNDIS) or a communications data class Ethernet (CDC-Ethernet) (Microsoft – Page 2 discloses REMOTE_NDIS_QUERY_MSG command which is used to query the RNDIS network adapter; Brownell et al. – Page 6 discloses CDC Ethernet).

The motivation and obviousness arguments are the same as in Claim 41.

As to Claim 49, the combination of Microsoft, Moroz et al. and Brownell et al. discloses an invention substantially as claimed, including the method of claim 46, wherein the host discards the configuration for a remote network drive interface specification (RNDIS) (Microsoft – Page 2 discloses the REMOTE_NDIS_HALT_MSG which is used to discard RNDIS).

As to Claim 50, the combination of Microsoft, Moroz et al. and Brownell et al. discloses an invention substantially as claimed, including the method of claim 46, wherein the host accepts the configuration for the communications data class Ethernet (CDC-Ethernet) (Microsoft – Page 2 discloses the REMOTE_NDIS_INITIALIZE_CMPLT used to send a list of adapter buffering and

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alignment constraints from the network adapter to the host; Brownell et al. – Page 6 discloses the use of CDC Ethernet driver).

The motivation and obviousness arguments are the same as in Claim 41.

As to Claim 51, the combination of Microsoft, Moroz et al. and Brownell et al. discloses an invention substantially as claimed, including the method, of claim 46,

wherein the host issues a configuration to the device to use the communications data class Ethernet (CDC-Ethernet) configuration (Microsoft – Page 2 discloses the REMOTE_NDIS_INITIALIZE_MSG used to enable the adapter; Brownell et al. – Page 6 discloses the use of CDC Ethernet driver).

The motivation and obviousness arguments are the same as in Claim 41.

As to Claim 58, the combination of Microsoft, Moroz et al. and Brownell et al. discloses an invention substantially as claimed, including the apparatus of claim 57,

wherein the resetting of the state of the network device involves disabling one of a remote network drive interface specification (RNDIS) and a communications data class Ethernet (CDC-Ethernet) (Microsoft – Page 2 discloses REMOTE_NDIS_RESET_MSG command which resets the configuration RNDIS; Brownell et al. – Page 6 discloses CDC Ethernet).

The motivation and obviousness arguments are the same as in Claim 41.

As to Claim 59, the combination of Microsoft, Moroz et al. and Brownell et al. discloses an invention substantially as claimed, including the apparatus of claim 57, wherein the list of descriptors for the configuration commands are for a remote network drive interface specification (RNDIS) or a communications device class Ethernet (CDC-Ethernet) (Microsoft – Page 2 discloses REMOTE_NDIS_QUERY_MSG command which is used to query the RNDIS network adapter; Brownell et al. – Page 6 discloses CDC Ethernet).

The motivation and obviousness arguments are the same as in Claim 41.

As to Claim 60, the combination of Microsoft, Moroz et al. and Brownell et al. discloses an invention substantially as claimed, including the apparatus of claim 57, wherein the host discards the configuration for a remote network drive interface specification (RNDIS) (Microsoft – Page 2 discloses the REMOTE_NDIS_HALT_MSG which is used to discard RNDIS).

As to Claim 61, the combination of Microsoft, Moroz et al. and Brownell et al. discloses an invention substantially as claimed, including the apparatus of claim 57, wherein host accepts the configuration for the communications data class Ethernet (CDC-Ethernet) (Microsoft – Page 2 discloses the REMOTE_NDIS_INITIALIZE_CMPLT used to send a list of adapter buffering and

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alignment constraints from the network adapter to the host; Brownell et al. – Page 6 discloses the use of CDC Ethernet driver).

The motivation and obviousness arguments are the same as in Claim 41.

As to Claim 62, the combination of Microsoft, Moroz et al. and Brownell et al. discloses an invention substantially as claimed, including the apparatus of claim 57, wherein the host issues a configuration to the device to use for the communications data class Ethernet (CDC-Ethernet) (Microsoft – Page 2 discloses the REMOTE_NDIS_INITIALIZE_MSG used to enable the adapter; Brownell et al. – Page 6 discloses the use of CDC Ethernet driver).

The motivation and obviousness arguments are the same as in Claim 41.

As to Claim 68 and 74, Microsoft discloses an invention substantially as claimed, including a system and computer-readable media containing a computer-executable program for attaching a universal serial bus network adapter supporting both remote network drive interface specification and non-network drive interface specification, comprising:

a universal serial bus port configured to receive a network device according to a first configuration (Microsoft – Page 1, under the heading “Remote NDIS” discloses a Plug and Play USB adapter);

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a detecting component configured to detect the network device coupled to the universal serial bus port (Microsoft – Page 2 discloses the

REMOTE_NDIS_KEEPALIVE_MSG which is used to detect the network adapter);

a first issuing component configured to issue a universal serial bus reset to the network device to reset the state of the network device (Microsoft – Page 2 discloses the REMOTE_NDIS_RESET_MSG which is used to reset the network adapter);

a second issuing component configured to issue a command to enable the network device to communicate on the universal serial bus [...] (Microsoft – Page 2 discloses the REMOTE_NDIS_INITIALIZE_MSG used to enable the adapter);

a third issuing component configured to issue a a [sic] first descriptor request to retrieve device descriptors from the network device (Microsoft – Page 2 discloses the REMOTE_NDIS_QUERY_MSG used to query the adapter);

a receiving component configured to receive a device descriptor listing indicating its function from the network device (Microsoft – Page 2 discloses the REMOTE_NDIS_QUERY_CMPLT used to respond to the query); and

a fourth issuing component configured to issue configuration commands, whereby, the network device returns a list of descriptors (Microsoft – Page 2 discloses the REMOTE_NDIS_INITIALIZE_CMPLT used to send a list of adapter buffering and alignment constraints from the network adapter to the host).

Microsoft does not explicitly disclose, but Brownell et al. disclose an invention substantially as claimed, including according to a second configuration (Brownell et al. – Pages 6 and 8 disclose the use of CDC Ethernet and NDIS drivers).

Microsoft does not explicitly disclose, but Moroz et al. et al. disclose wherein in response to a determination that that [sic] at least one of the descriptors indicates multiple supported configurations, a second descriptor request is issued (Moroz et al. in ¶ [0045] disclose the system requesting configuration information from a first I/O port, and if it detects more than one I/O port exists, will continue with requests until all configuration information is received).

The motivation and obviousness arguments are the same as in Claim 41.

As to Claim 69, the combination of Microsoft, Moroz et al. and Brownell et al. discloses an invention substantially as claimed, including the system of claim 68, wherein resetting of the state of the network device comprises disabling one of a remote network drive interface specification (RNDIS) and a communications data class Ethernet (CDC-Ethernet) (Microsoft – Page 2 discloses REMOTE_NDIS_RESET_MSG command which resets the configuration RNDIS; Brownell et al. – Page 6 discloses CDC Ethernet).

The motivation and obviousness arguments are the same as in Claim 41.

As to Claim 70, the combination of Microsoft, Moroz et al. and Brownell et al. discloses an invention substantially as claimed, including the system of claim 68, wherein the device descriptor listing for the configuration commands is for a remote network drive interface specification (RNDIS) or a communications data class Ethernet (CDC-Ethernet) (Microsoft – Page 2 discloses REMOTE_NDIS_QUERY_MSG

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command which is used to query the RNDIS network adapter; Brownell et al. – Page 6 discloses CDC Ethernet).

The motivation and obviousness arguments are the same as in Claim 41.

As to Claim 71, the combination of Microsoft, Moroz et al. and Brownell et al. discloses an invention substantially as claimed, including the system of claim 68, further comprising

a discarding component configured to discard the configuration for a remote network drive interface specification (RNDIS) (Microsoft – Page 2 discloses the REMOTE_NDIS_HALT_MSG which is used to discard RNDIS).

As to Claim 72, the combination of Microsoft, Moroz et al. and Brownell et al. discloses an invention substantially as claimed, including the system of claim 68,

further comprising an accepting component configured to accept the configuration for the communications data class Ethernet (CDC- Ethernet) (Microsoft – Page 2 discloses the REMOTE_NDIS_INITIALIZE_CMPLT used to send a list of adapter buffering and alignment constraints from the network adapter to the host after acceptance of the configuration; Brownell et al. – Page 6 discloses the use of CDC Ethernet driver).

The motivation and obviousness arguments are the same as in Claim 41.

As to Claim 73, the combination of Microsoft, Moroz et al. and Brownell et al. discloses an invention substantially as claimed, including the system of claim 68, further comprising

a fourth issuing component configured to issue a configuration to the device to use the communications data class Ethernet (CDC-Ethernet) configuration (Microsoft – Page 2 discloses the REMOTE_NDIS_INITIALIZE_MSG used to enable the adapter; Brownell et al. – Page 6 discloses the use of CDC Ethernet driver).

The motivation and obviousness arguments are the same as in Claim 41.

As to Claim 75, the combination of Microsoft, Moroz et al. and Brownell et al. discloses an invention substantially as claimed, including the computer-readable media of claim 74,

wherein the one or more instructions for resetting of the state of the network device further comprises one or more instructions for disabling one of a remote network drive interface specification (RNDIS) and a communications data class Ethernet (CDC-Ethernet) (Microsoft – Page 2 discloses REMOTE_NDIS_RESET_MSG command which resets the configuration RNDIS; Brownell et al. – Page 6 discloses CDC Ethernet).

The motivation and obviousness arguments are the same as in Claim 41.

As to Claim 76, the combination of Microsoft, Moroz et al. and Brownell et al. discloses an invention substantially as claimed, including the computer-readable media of claim 74, further comprising

one or more instructions for discarding the configuration for a remote network drive interface specification (RNDIS) (Microsoft – Page 2 discloses the REMOTE_NDIS_HALT_MSG which is used to discard RNDIS).

As to Claim 77, the combination of Microsoft, Moroz et al. and Brownell et al. discloses an invention substantially as claimed, including the computer-readable media of claim 74, further comprising

one or more instructions for accepting the configuration for the communications data class Ethernet (CDC- Ethernet) (Microsoft – Page 2 discloses the REMOTE_NDIS_INITIALIZE_CMPLT used to send a list of adapter buffering and alignment constraints from the network adapter to the host; Brownell et al. – Page 6 discloses the use of CDC Ethernet driver).

The motivation and obviousness arguments are the same as in Claim 41.

As to Claim 78, the combination of Microsoft, Moroz et al. and Brownell et al. discloses an invention substantially as claimed, including the computer-readable media of claim 74, further comprising

one or more instructions for issuing a configuration code instructing the device to use the communications data class Ethernet (CDC-Ethernet) configuration (Microsoft – Page 2 discloses the REMOTE_NDIS_INITIALIZE_MSG used to enable the adapter; Brownell et al. – Page 6 discloses the use of CDC Ethernet driver).

The motivation and obviousness arguments are the same as in Claim 41.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. These were indicated in a prior office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard G. Keehn whose telephone number is 571-270-5007. The examiner can normally be reached on Monday through Thursday, 9:00am - 8:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RGK

/Yasin M Barqadle/

Primary Examiner, Art Unit 2456